

# COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

## BUILDING CODE APPEALS BOARD DOCKET NO. 11-1014

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Joshua Beckman,  
Appellant

v.

Town of Wellesley,  
Appellee  
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### **BOARD'S DECISION ON APPEAL**

#### **Introduction**

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant is seeking variances from 780 CMR 5305.1 (exceptions 1 and 5) and 5311.4.2.1 (7<sup>th</sup> Edition of the State Building Code) with respect to finished basement ceiling heights at Appellant's home, located at 22 Saunders Terrace, Wellesley, MA ("Project").

#### **Procedural History**

On or about May 11, 2011, the Building Department for the Town of Wellesley denied a building permit application to finish an unfinished basement to habitable space because several of the finished heights would be below the minimum heights specified by the Code. The Board convened a public hearing on July 7, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

#### **Discussion**

Appellant proposed to finish a basement area in part of his home that was constructed in the 1920's. The goal was to create a finished hallway to a finished playroom and exercise room. The hallway and exercise room would have a finished height of 6' – 6"; a soffit running through the middle of the exercise room would have a finished height of 70 inches.

#### **Conclusion**

The Board approved the following motion: to allow a variance from 780 CMR 5305.1, exceptions 1 and 5 and 5311.4.2.1, based on the hardship of the existing single-family home (the ceiling cannot be raised) and that the finished space will not be used as a bedroom. The motion was **approved** by a unanimous vote.



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H. Jacob Nunnemacher

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Douglas A. Semple, Chair

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Alexander MacLeod

*Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.*

DATED: October 17, 2011